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AMERICAN CITY & COUNTY

ICMA
Conference
Issue

Reusing Wastewater

Public Works Goes High Tech

Historical Local Government Perspective

Security Lighting

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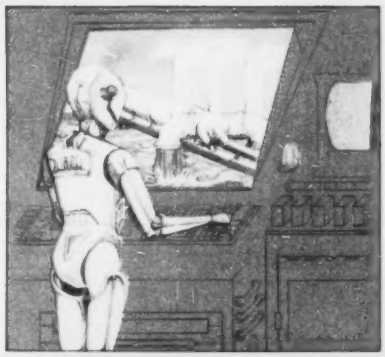

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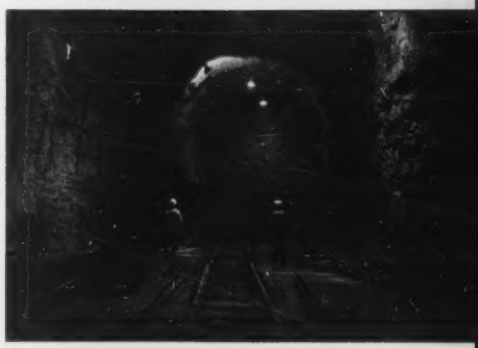

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Pennsylvania Court Nixes Refuse Fee

"If government cannot provide services at least of a quality and at a cost commensurate with similar services provided by private enterprise, it is, by definition, unreasonable to utilize tax dollars for that purpose. That many have lost sight of that patently obvious idea is as unfortunate as it is surprising."

So saying, the Pennsylvania Supreme Court has invalidated a township ordinance requiring property owners to pay more than $58,000 for the same local-government refuse-collection services provided by a private refuse contractor for about $23,000.

Under Pennsylvania law, a township may impose "reasonable fees and charges" for the collection, removal and disposal of garbage, rubbish and other refuse from private property. As part of its refuse-collection ordinance, Ridley Township requires all residential garbage be collected, hauled and disposed of by the township, while commercial operations such as businesses, hotels and restaurants must arrange for private refuse collection.

The 241 apartment units of the one complex produce almost 90 cubic yards of refuse each week. Since the township cannot provide refuse pickup more than twice a week, and since its trucks cannot manipulate refuse containers larger than 2.5 cubic yards, the complex (if it were not utilizing the township collection services) would either have to buy 18 trash containers or permit its tenants to place their refuse out for pickup in individual containers.

Instead, the complex contracted a private hauler to remove refuse three times a week from five contractor-supplied dumpsters, each having a capacity of 6 cubic yards. Between 1977 and 1981, the complex paid $22,929 to the private contractor, while also paying $58,156 in fees to the township under the refuse-collection ordinance.

The complex wanted no part of the township refuse-collection services. Purchasing small dumpsters would be costly, and using them would eliminate some parking spaces. In addition, property owners feared the smaller containers would present a hazard to children, attract rodents and be difficult to secure because of their lighter weight. According to the complex, the private refuse contractor has provided better service (collecting three times a week instead of twice) at less than half the cost of the township service.

According to evidence presented, apartments in the township pay refuse fees totaling nearly 20 percent of all revenues from such fees, yet the township's cost of collecting refuse from apartments was between 5 percent and 9.5 percent of revenue. The township conceded its actual cost per unit in 1981 for collecting refuse from apartment complexes ranged from $20 to $30, but it charged residential units (including apartments) $70.

Although the court struck down the Ridley township refuse fee for apartment owners, the state court reaffirmed the broad discretion of government in determining which services it deems essential to citizens. But the justices reminded local officials government activities must be generally reasonable in purpose and, where the law requires, reasonable in cost. Thus, the court warned, public officials no longer can assume government-sponsored activities "no matter how outrageous, how costly, how uncompetitive" are safe from successful challenge.

— Barry Shanoff

SURVEY SPOTLIGHT

Smaller Communities Losing Young People

Small cities and towns are having problems keeping young people from moving out, in large part because they are unable to attract jobs and industry, according to a National League of Cities (NLC) survey conducted in the spring. Two out of five communities said small-business closings and farm foreclosures were on the rise, while one-third indicated unemployment was increasing.

The NLC survey of 395 cities and towns with less than 50,000 people found 26 percent were experiencing difficulty retaining young people and 55 percent reported a growing elderly population.

"The loss of young people is bad news for any community and it is a situation that points to other problems down the road if it cannot be stabilized," says NLC Executive Director Alan Beals. "If these are cyclical events, and there are some signs that things have bottomed out, then we can hope the jobs and farms will rebound and that fewer young people will migrate elsewhere."

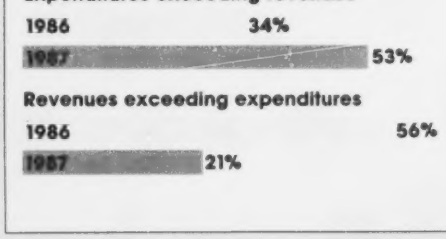
More than half of those surveyed expected expenditures to outpace revenues in 1987, compared with a third in 1986. The difference must be made up by decreasing fund balances, making additional cuts in expenditures or imposing new taxes or fees, since local governments generally are prohibited from creating deficits.

Despite these problems, many local officials surveyed were optimistic about their ability to make those adjustments and carry on with fewer funds, Beals says. More than 40 percent said their ability to attract businesses and jobs has improved, 37 percent reported overall economic conditions were better and 33 percent said housing availability and affordability were improving.

"While many small cities and towns were hard hit by the loss of revenue sharing, they continue to provide a broad range of basic public services, although often at reduced levels," Beals says. "They are working harder than ever to strengthen their local economic base, to attract businesses and to create jobs."

— Ellen Perlman

Small cities are having more difficulty balancing their budgets, according to a survey by the National League of Cities. Data show revenues are not meeting expenditures.



MUNICIPAL COST INDEXES

The **Municipal Cost Index** rose 0.5 percent from September, to 350.6, marking a steady rise for 12 consecutive months. The last time the index dropped was September 1986. The **Construction Cost Index** read 386.8, while the **Consumer Price Index** saw the least gain from last month, to 340.8. The **Producer Price Index** saw the highest gain from last year, with a 4.2-percent increase to 310.2.

THIS MONTH'S MARKETBASKET

	Current Index	Percent Change From: Last Month	Last Year
Air Conditioners	149.7	0	0.3
Apparel	188.5	0.5	1.8
Asphalt Roofing	362.4	−0.2	−6.3
Chemicals, Industrial	341.7	−0.7	8.1
Coal	517.0	−0.4	−4.1
Concrete Products	326.0	0.1	0.1
Construction Machinery	374.7	−0.2	2.2
Diesel Fuel	447.2	2.3	55.5
Electric Components	204.0	1.1	0.8
Electric Lamps	347.5	0	0
Electric Power	466.2	2.6	−0.1
Engines, I.C.	359.2	0.1	1.5
Fans, Blowers	370.7	0.2	1.4
Fertilizers, Mixed	256.1	0.8	0.6
Floor Coverings	199.0	0.9	1.7
Flow Instruments	240.9	0.5	2.3
Footwear	268.5	1.9	2.9
Foundry Products	363.7	0	0
Fuel Oil No. 2	474.0	2.5	56.6
Furniture	326.6	−0.1	2.6
Gasoline	414.9	2.6	31.0
Generator Sets	357.0	0.4	1.2
Glass	237.6	0.2	1.7
Glass Containers	402.1	0.3	0.2
Gypsum Products	316.9	−3.5	−9.4
Hardware	306.9	−0.2	0.1
Heating Equipment	275.1	0.5	2.5
HVAC Controls	131.4	0	0.8
LP Gas	360.2	1.6	1.8
Lubricants	345.8	0.2	−6.3
Lumber	334.6	0.7	6.6
Metal Fabrications	319.3	0.5	1.2
Millwork	331.4	0.5	3.3
Motor Vehicle Parts	367.0	−0.3	2.3
Mowers	267.1	0.4	1.1
Natural Gas	1097.2	−0.5	−4.5
Office Machines	158.9	0.1	2.8
Paint	333.0	0.2	5.1
Paper	318.0	1.2	4.0
Passenger Cars	239.7	0	2.7
Plumbing Fixtures	332.8	−0.2	2.7
Plywood	232.7	1.5	−1.4
Portland Cement	347.0	0.4	−1.1
Residual Fuel	688.5	5.8	58.6
Sand, Gravel	330.0	−0.1	3.4
Sanitary Papers	384.7	0.6	0.7
Soaps, Detergents	277.2	0.1	1.0
Sporting Goods	209.3	0.3	1.0
Steel Mill Products	354.3	0.1	1.5
Struc. Clay Products	317.0	−0.3	1.9
Switchgear	291.4	−0.4	2.2
Tires, Tubes	232.2	0.5	−0.5
Transformers	235.8	0.7	1.2
Trucks	345.4	0	−0.7
Valves	107.6	0.3	0.6
Wire, Cable	210.4	1.5	2.3
Wiring Devices	383.6	0.8	2.3

Transformers and power regulators rose to 235.8, a 1.2-percent jump over last year. Metal valves rose 0.3 percent from September, to 107.6, while wiring devices rose 2.3 percent from October 1986, to 383.6. Nonferrous wire and cable also rose 2.3 percent from last year, to 210.4.

— Compiled by Tim Darnell

At-A-Glance Changes

MUNICIPAL COST INDEX

Last Year 339.4 — Last Month 348.9 — This Month 350.6

Percent Change From Last: Month **3.3** Year **0.5**

CONSTRUCTION COST INDEX

Last Year 377.8 — Last Month 384.4 — This Month 386.8

Percent Change From Last: Month **0.6** Year **2.4**

CONSUMER PRICE INDEX (BLS)

Last Year 328.0 — Last Month 340.1 — This Month 340.8

Percent Change From Last: Month **0.2** Year **3.9**

PRODUCER PRICE INDEX (BLS)

Last Year 297.7 — Last Month 308.5 — This Month 310.2

Percent Change From Last: Month **0.6** Year **4.2**

These figures are calculated on a base year of 1967.

QUARTERLY MUNICIPAL TRENDS

	Current Level	Percent Change From: Last Qtr.	Last Year
Receipts	634.8B	.9	7.8
Federal Grants	104.1B	6.6	−10.9
Durable Purchases	23.6B	3.1	9.8
Consumables	37.6B	2.7	−6.0
Services	387.4B	2.3	8.0
Structures	64.6B	−2.7	16.2
Salaries, Wages	309.8B	2.3	6.0
Surplus	59.4B	−7.7	1.0
Employment	13.999M	−.4	2.7